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97-81

APR 25 1997

From: Buddy McKee <bmckee@sprintmail.com>
To: B7.B7(bjames)
Date: 4/25/97 3:36am
Subject: MAS broken promises

FEDERAL COMMUNICATIONS COMMISSION
Office of Secretary

I "knew" it was coming. There was no reason to take over 5 years to process (read: "sit on") the MAS lottery applications unless the FCC was trying to find some rationale for backing out of it's promises to the American Public, some reason for breaking it's word that would appear to hold water.... "Indian Giving" may not be a politically correct term anymore, but it's a fair characterization of what the FCC is preparing to do to the thousands of Americans who took your agency's promises at face value and committed time, resources, and CASH to entering the MAS

Lottery. Wasn't the original reason for utilizing lotteries to allocate bandwidth explained as a way to give ordinary Americans (minority

Americans, handicapped Americans, etc.) an even chance to compete with the "Big Boys" for a slice of what is afterall property that belongs to all of America?

I have supported for my entire life the elimination of our nation's budget and trade deficits; for what it's worth I have always supported the Balanced Budget Amendment to our Constitution, overhaul of our decrepid tax system, privatization of numerous government programs to reduce spending, shifts to a more consumption based financing system, evolving to mandatory private investments for retirement to reform the Ponzi scheme that we all call "Social Security". I don't believe that any nation should eat it's "Seed Corn", or rob from future generations. So I do understand the pressures that have been placed on the FCC to generate revenue for the treasury, and for the most part I agree with

Congress's decision to instruct the FCC to switch to auctions when making bandwidth available for use by the private sector. But fair is fair. Where was your mandate to raise revenue when the Broadcasters came to you hat in hand for the bandwidth they claim to need for HDTV purposes? I don't see any revenue raised for the Treasury there! Nor any definitive HDTV commitment either. What I don't understand is how

(after Congress changed the law and decided to try auctions instead of lotteries...) for one group of applicants - extremely monied "Fat Cat" applicants - the FCC can just decide to hand out bandwidth worth multi-billions with practically no strings attached, and yet for another group of applicants- mostly little guys -who have relied on the Government's word for 5 years now (from one & one half years BEFORE the laws were changed) the FCC can arbitrarily decide to RETROACTIVELY

CHANGE THE RULES and throw their business plans out into the streets. I don't see where Congress has specifically granted the FCC any authority to retroactively change the rules for applications that were made in good faith under the then prevailing rules, as a matter of fact it looks like Congress specifically considered & then rejected giving the FCC authority to do that in the Communications Act. So what gives? Why the violation of at least the spirit of Congress's instructions to impliment auctions just so you can give billions to Fat Cats on one hand, while at the same time shafting Little Guys who were merely obeying the law of the land as it existed when they filed for the MAS lotteries- long before the rules were changed? Is the Government going to give me back my application fees? My legal and engineering expenses? 5 years of interest? Opportunity costs??? Can you claim with a straight face that you are taking this action to speed things up? You have had these applications for over 5 YEARS now, and you know that long before the

Communications Act passed and was amended all was in readiness to conduct these lotteries. There was no valid reason for delay except for your agency's desire to engage in a little bit of "Highway Robbery". I hardly think that (if the FCC tramples on constitutional prohibitions and retroactively changes the rules this late in the game) the tidal wave of legal action that will insue would speed things up. As a matter of fact, whoever does buy these licenses would be operating under a legal cloud for YEARS as these licenses are disputed probably all the way to our nation's highest court- the issues here being very profound. That disgusting and totally avoidable series of miscues would certainly

NOT speed-up the process of making Multiple Address Systems available in greater quantity and variety to the American Public, and it would certainly win no fans for the FCC.... PLEASE KEEP YOUR WORD AND GIVE US "LITTLE GUYS" THE LOTTERY CHANCE THAT YOU PROMISED US.

Sincerely,
Fred G. McKee, III

1
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APR 25 1997

From: MRS JUDITH A VAN ETEN <DCQR77A@prodigy.com>
To: B7.B7(bjames)
Date: 4/25/97 7:08am
Subject: RE: MAS Application- WT Docket No. 97-81

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Federal Communications Commission
Office of Secretary

To Whom It May Concern at the FCC:

It has been more than five (5) years now since I filed MAS applications in anticipation of a lottery that would allow me to provide MAS service. During this time I HAVE NOT filed for other spectrum and have spent considerable amounts on legal advice, business planning and investment materials that will simply be lost if my applications are dismissed in favor of an auction. The manner in which this entire operation has been conducted up to this point borders on fraud. The FCC proposed a lottery and that is what I applied for and PAID for. It would be totally unfair AND fraudulent to dismiss those applications now and cite other venues for obtaining service.

Over all this time the FCC has failed to release the lottery list that they prepared. WHY?? In addition, if the FCC wishes to license by geographic area rather than by transmitter site, the FCC should simply convert my applications into geographic area applications for the area that contains my transmitter site.

In the event that the FCC does decide to hold an auction and dismiss my applications I insist that my application fees be refunded.

I paid for a lottery and did not get one!! The government charged a fee for service that was paid and that service was NOT rendered.

This transaction was entered into with great anticipation and has demonstrated to me nothing but frustration at the way in which the government has proceeded. Simply put, a proposal was put forth, money was paid to participate and to date, five (5) years later, NOTHING has happened. Would you call this good business or at the very least, FAIR business practice? I would not.

Submitted by,

Judith A. Van Etten

19 VanEtten Lane

Lake Katrine, New York 12449

No. of Originals _____
List Attached _____